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| 09/500,698 | 02/09/2000 | Brian Bulkowski | 133.1026.01 | 2973 |
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| PATTERSON & SHERIDAN, LLP | | | SHINGLES, KRISTIE D | |
| TVWORKS, LLC | | | ART UNIT | |
| 595 SHREWSBURY AVENUE | | | 2141 | |
| SUITE 100 | | | PAPER NUMBER | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|----------------------------------|--|
| Office Action Summary | Application No. 09/500,698 | Applicant(s) BULKOWSKI, BRIAN | |
| | Examiner Kristie Shingles | Art Unit 2141 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-35,39,41-48 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-35,39,41-48 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claims 2, 5, 36-38, 40, 49 and 51-55 have been cancelled.

Claims 1, 3-4, 6-35, 39, 41-48 and 50 are pending.

Response to Arguments

1. Applicant's arguments, see Remarks, filed 11/14/2005, with respect to the rejection(s) of claims 1, 22, 31, 39, 48 and 50 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of *Baxter et al* (US 6,356,903) and *Zigmond et al* (US 6,785,902).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 3, 4, 7-34, 39, 41, 43-48 and 50** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Baxter et al* (US 6,356,903) in view of *Zigmond et al* (US 6,785,902).

a. **Per claims 1 and 39**, *Baxter et al* teach a method and apparatus for receiving data via multiple channel broadcast media, comprising:

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- receiving a request for a desired data object, said desired data object being associated with a first-level name (col.2 lines 5-11);
- obtaining any second-level names associated with said first-level name, said second-level names being associated with respective low-level data to objects constituting at least a portion of said desired data object (col.2 lines 12-35, col.4 lines 25-38, col.5 lines 1-9, col.6 line 63-col.12 line 15); and
- obtaining location information associated with said second-level names via a first channel, said location information identifying at least two of multiple channels for propagating data associated with low-level data objects (col.5 lines 1-22);
- wherein said desired data object is a web page comprising a plurality of low-level data objects adapted for display in a preferred presentation order defined by priority rankings included within said location information (col.2 lines 12-24, col.4 lines 25-53, col.13 lines 45-52, col.16 lines 28-37; provisions for hierarchical presentation of data objects displayed on a web page).

However *Zigmond et al* teach provisioning multiple channels and location information identifying the assigned channels for propagating the requested data and ordering the presentation of the web page display (col.3 lines 23-50, col.4 lines 10-17 and 36-63, col.6 lines 48-57, col.7 lines 15-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Baxter et al* with *Zigmond et al* for the purpose of modifying the system to provide priority ranking. Since the data is sequenced before broadcast distribution to the clients, it would be obvious that some of data would deserve a higher priority over other data, and therefore ordering the display of the data according to the implemented priority-ranking scheme based on what objects should be in the background or overlaid.

b. **Claims 22, 31, 48 and 50** contain limitations that are substantially equivalent to claims 1 and 39 and are therefore rejected under the same basis.

c. **Per claims 3 and 41**, *Baxter et al* and *Zigmond et al* teach the method of claim 1 as applied above, *Zigmond et al* further teach the method wherein data associated with respective low-level data objects is received via at least two channels of said multiple channel broadcast medium (col.4 lines 10-17).

d. **Per claims 4 and 43**, *Baxter et al* and *Zigmond et al* teach the method and apparatus of claims 1 and 39 as applied above, *Zigmond et al* further teach the method wherein data associated with respective low-level data objects is broadcast according to a protocol indicated in said location information (col.5 line 33-col.6 line 7).

e. **Per claim 7**, *Baxter et al* and *Zigmond et al* teach the method and apparatus of claim 1 as applied above, *Zigmond et al* further teach the method wherein said broadcast media comprises at least one of a cable transmission medium, an optical transmission medium, a satellite transmission medium, an optical transmission medium, a satellite transmission medium and a radio frequency (RF) transmission medium (col.4 lines 10-17).

f. **Per claim 8**, *Baxter et al* and *Zigmond et al* teach the method and apparatus of claim 1 as applied above, *Zigmond et al* further teach the method wherein said broadcast medium is a portion of a computer network (col.4 lines 56-64).

g. **Per claim 9**, *Baxter et al* and *Zigmond et al* teach the method and apparatus of claim 1 as applied above, *Zigmond et al* further teach the method wherein said first-level name is a uniform resource locator (URL) (col.5 lines 23-32 and 65-67, col.7 lines 20-34).

h. **Claims 10 and 25** are substantially similar to claim 9 and are therefore rejected also under the same basis.

i. **Per claim 11**, *Baxter et al* and *Zigmond et al* teach the method of claims 11 as applied above, *Zigmond et al* further teach the method wherein said first-level name is a text string (col.5 lines 61-63, col.7 lines 31-44).

j. **Per claim 12**, *Baxter et al* and *Zigmond et al* teach the method of claims 11 as applied above, *Zigmond et al* further teach the method wherein said text string is associated with an icon (col.5 lines 61-65).

k. **Per claim 13**, *Baxter et al* and *Zigmond et al* teach the method of claims 1 as applied above, *Zigmond et al* further teach the method wherein said second-level name takes a minimal amount of storage space (col.7 lines 26-30).

l. **Per claim 14**, *Baxter et al* and *Zigmond et al* teach the method of claims 1 as applied above, *Zigmond et al* further teach the method wherein said second-level name is an integer (col.7 lines 26-30).

m. **Per claim 15**, *Baxter et al* and *Zigmond et al* teach the method of claims 1 as applied above, *Zigmond et al* further teach the method wherein said location information is accessed through a memory containing a data structure (col.5 lines 18-57; *Baxter et al*: col.5 lines 5-22).

n. **Per claims 16 and 26**, *Baxter et al* and *Zigmond et al* teach the method of claims 1 and 22 as applied above, *Zigmond et al* further teach the method wherein said location information is accessed through a memory containing a data structure (col.5 lines 18-57).

o. **Per claims 17, 27 and 44**, *Baxter et al* and *Zigmond et al* teach the method and apparatus of claims 1, 22 and 39 as applied above, *Zigmond et al* further teach wherein said

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location information is sufficient to locate said data in a data stream (col.5 lines 18-57; *Baxter et al*: col.5 lines 5-22).

p. **Per claim 18**, *Baxter et al* and *Zigmond et al* teach the method and apparatus of claims 1, 22 and 39 as applied above, *Zigmond et al* further teach the method of claim 17 wherein said location information comprises an MPEG table (col.4 lines 10-28 and 44-50).

q. **Per claims 19, 28, 45**, *Baxter et al* and *Zigmond et al* teach the method and apparatus of claims 1, 22 and 39 as applied above, *Zigmond et al* further teach the method including the further step of combining said plurality of low-level data objects (col.3 lines 23-50, col.6 lines 48-57, col.7 lines 15-19).

r. **Per claims 20, 29 and 46**, *Baxter et al* and *Zigmond et al* teach the method and apparatus of claims 19, 28 and 45 as applied above, *Zigmond et al* further teach the method including the step of combining results in a portion of said desired data object (col.3 lines 23-50, col.4 lines 36-63, col.6 lines 48-57, col.7 lines 15-19).

s. **Per claims 21, 30 and 47**, *Baxter et al* and *Zigmond et al* teach the method and apparatus of claims 20, 29 and 46 as applied above, *Zigmond et al* further teach the method the further step of presenting said desired data object (col.6 lines 8-44).

t. **Per claim 23**, *Baxter et al* and *Zigmond et al* teach the method and apparatus of claim 22 as applied above, *Zigmond et al* further teach the method wherein said desired data object is a web page (col.4 line 65-col.5 line 4, col.6 lines 8-18, col.7 lines 12-26).

u. **Per claim 24**, *Baxter et al* and *Zigmond et al* teach the method and apparatus of claim 1 as applied above, *Zigmond et al* further teach the method wherein said broadcast media comprises at least one of a cable transmission medium, an optical transmission medium, a

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satellite transmission medium, an optical transmission medium, a satellite transmission medium and a radio frequency (RF) transmission medium (col.4 lines 10-17).

v. **Per claim 32**, *Baxter et al* and *Zigmond et al* teach the method of claim 31 as applied above, *Zigmond et al* further teaching the step of broadcasting said each one of said plurality of data objects forming said data (col.7 lines 12-18).

w. **Per claims 33 and 34**, *Baxter et al* and *Zigmond et al* teach the method of claims 31 and 32 as applied above, *Zigmond et al* further teaching the wherein said each one of said plurality of data objects is broadcast as an MPEG section (col.4 lines 10-28).

4. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Baxter et al* (US 6,356,903) and *Zigmond et al* (USPN 6,785,902) in view of *Ikeda* (US 6,212,681).

Per claim 6, *Baxter et al* and *Zigmond et al* teach the method and apparatus of claim 1 as applied above along with location and size information for the data objects, yet *Baxter et al* and *Zigmond et al* fail to explicitly teach wherein location information indicates for each low-level data object a location parameter, a size parameter and a bandwidth parameter. However *Ikeda* teaches location, size and bandwidth information for the broadcasted data of the channels (col.8 lines 41-67, col.9 lines 13-44, col.10 lines 57-65).

It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of *Baxter et al* and *Zigmond et al* with *Ikeda* in order to maintain different types of meta-data for locating, identifying and characterizing the data objects—maintaining attribute data of objects/content is a common technique used in the art.

5. **Claim 35** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Baxter et al* (US 6,356,903) and *Zigmond et al* (USPN 6,785,902) in view of *Boon* (US 6,351,565).

Per claim 35, *Baxter et al* with *Zigmond et al* teach the method of claim 31 as applied above, yet *Baxter et al* and *Zigmond et al* do not teach said data object is formatted for transmission as an UDP packet. However, *Boon* teaches said data object is formatted for transmission as an UDP packet (col.17 lines 65-67).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of *Baxter et al* and *Zigmond et al* with *Boon* by having said data object be formatted for transmission as an UDP packet because UDP is a part of the TCP/IP data transmission packet protocol used within the internet and is commonly used in the art to transmit packets of data due to it's transmission efficiency.

6. **Claim 42** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Baxter et al* (US 6,356,903) and *Zigmond et al* (USPN 6,785,902) in view of *** ().

Per claim 42, *Baxter et al* and *Zigmond et al* teach the apparatus of claim 39 as applied above, yet both fail to explicitly teach wherein data associated with respective low-level data objects is broadcast a number of times as indicated in said location information. However *Bisdikian et al* teach data associated with respective low-level data objects is broadcast a number of times as indicated in said location information (col.3 line 55-col.4 line 52).

It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of *Baxter et al* and *Zigmond et al* with *Bisdikian et al* for the purpose of providing indicia with the meta-data of the data objects that specifies the number of times to

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broadcast the objects. Such indicia are common in the art and are realized via tags and flags that specify particular restrictions for and information about the data objects.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Scott et al* (US 6,489,980), *Hennings et al* (US 6,763,496), *Brown et al* (US 6,278,448), *Kaneko* (US 6,625,811), *Clark Jr. et al* (US 6,085,235).

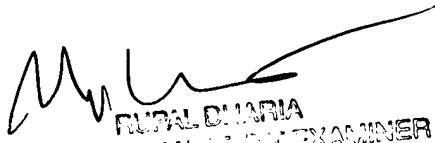
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER